

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

KORMAHYAH KARMUE

VS.

C.A. No. 1:17-cv-107-LM-AKJ

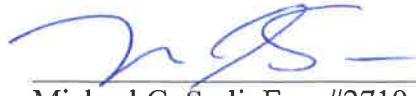
DAVID REMINGTON, Chief Deputy
Of United States Marshals Service, et al

**REPLY MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT, EDWARD
BLANCHETTE, M.D.'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant, Edward Blanchette, M.D. hereby submits his Reply Memorandum of Law in Support of his Motion for Partial Summary Judgment. Plaintiff's Objection to Defendant's Motion fails to identify a genuine issue of material fact related to the Plaintiff's failure to exhaust his administrative remedies. Instead, Plaintiff's Objection is merely a paraphrasing of the allegations in his Complaint. As the Supreme Court has stated, the nonmoving party "may not rest upon mere allegation or denial of his pleading." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 256 (1986). As Defendant has set forth in his Motion, and his statement of undisputed facts, properly supported by the attachments thereto, the Plaintiff failed to exhaust all available administrative remedies in connection with his claimed grievances against Dr. Blanchette. Having failed to do so, the Plaintiff failed to satisfy a "non-waivable jurisdictional requirement" Acosta v. United States Marshals Svce., 445 F.3d 509, 513 (1st Cir. 2006); Santiago-Ramirez v. Sec'y of Dep't of Def., 984 F.2d 16, 18, 19-20 (1st Cir. 1993). Consequently, the Plaintiff's Constitutional claims against Dr. Blanchette cannot survive.

WHEREFORE, Defendant's Motion should be granted.

Edward Blanchette, M.D.
By his attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that on 17th JULY, 2020 a copy of the foregoing was filed through the Court's CM/ECF system and is available for viewing by registered users. A copy of the foregoing was also mailed to:

Kormahyah Karmue
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Oviedo, FL 32765

/s/ Per C. Vaage